

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

STEPHANIE BAIYASI,

Plaintiff,

v

DELTA COLLEGE and DAVID
BAILEY, in his individual and official
capacity, Jointly and Severally,

Defendants.

Case No. 1:11-cv-13094-TLL-CEB

HON. THOMAS L. LUDINGTON

_____/

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By: **EILEEN K. HUSBAND** (P-38059)
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Attorneys for **Defendants**

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**STIPULATION OF FACT AND FOR
PLAINTIFF TO FILE SECOND AMENDED COMPLAINT**

NOW COME the Parties by and through their respective attorneys and submit this Stipulation of Fact and Stipulation for Plaintiff to File a Second Amended Complaint and in support thereof, state as follows.

1. On September 9, 2011, Defendants filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) or alternatively under Fed. R. Civ. P. 56(c).

2. The Plaintiff's Complaint and the Defendants' submissions unknowingly contained, at the time, a mistake of fact regarding Delta College Senate Policy 3.010, Paragraphs 10 and 12, (Ex. D to Plaintiff's Complaint) which the Court relied on in dismissing Count I of Plaintiff's First Amended Complaint under Fed. R. Civ. P. 12(b)(6).

3. Paragraphs 10 and 12 of the Delta College Senate Handbook had unknowingly been overridden and rendered void by an amendment to the College's By-Laws on October 20, 2009.

4. On October 20, 2009, the College Board of Trustees amended the College's By-Laws delegating the Board's authority to make personnel decisions to the College President.

5. Consequently, the Parties make the following stipulation of fact:

On October 20, 2009, the College's Board of Trustees amended the College's By-Laws delegating the Board's authority to make personnel decisions to the College President rendering Paragraphs 10 and 12 of Delta College Senate Policy 3.010 no longer effective.

6. The Parties further agree that Plaintiff shall have the opportunity to file a Second Amended Complaint on Count I due to this additional fact.

/s/ Manda Danieleski, (w/consent)
Manda Danieleski, Attorney for Plaintiff

/s/ Eileen K. Husband
Eileen K. Husband, Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Manda Danieleski

s/Eileen K. Husband
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